

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Efrain V. Perez

v.

Civil No. 04-cv-99-SM

Hillsborough County Department
of Corrections, et al.

NOTICE OF RULING

Re: (Document No. 46) Defendants' Motion to Dismiss

Ruling: Denied without prejudice to filing a well-supported motion for summary judgment. Exhaustion or failure to exhaust has not been shown by affidavit or admissible evidence. The Condon motion was granted based upon assumed facts given the absence of objection.

Entered by: Steven J. McAuliffe, Chief Judge

Date: August 23, 2005

cc: Efrain V. Perez, pro se
Carolyn M. Kirby, Esq.
John A. Curran, Esq.